

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CSX TRANSPORTATION, INC.,

Plaintiff,

LEAD CASE: 5:06-CV-138

Member Cases: 1:06-CV-804

1:07-CV-985

v.

MESEROLE STREET RECYCLING, INC.,
et al,

Hon. Robert J. Jonker

Defendants.

ORDER GRANTING MOTION TO COMPEL

Pending before the court is Meserole's motion to compel the testimony of Mark Woodward regarding a question put to him in his deposition which was objected to on the basis of the attorney-client privilege (docket no. 174 in lead case). For the reasons explained on the record at the hearing held this date, the court finds no basis for assertion of the attorney-client privilege in this instance, and the motion is GRANTED. Meserole's counsel may have a limited continuation of the deposition of Mr. Woodward for the purpose of asking the question objected to, and any questions that would logically follow from the deponent's answer to that question. Mr. Woodward shall give full and complete answers to questions concerning his communications with Kathy Wilson. There will be no further deposition of Mr. Woodward as to other subjects already covered or which could have been covered at the time of the deposition. If the parties agree, the continued deposition of Mr. Woodward may be taken by telephone, provided deponent is under oath and on Wilson.

While the court finds that no attorney-client relationship has been established between Mr. Woodward and Miss Wilson, the court makes no such finding as to the type of relationship Miss Wilson may have had with other CSX employees. This is an issue outside the scope of this motion.

IT IS SO ORDERED.

Dated: October 17, 2008

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge